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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,217	05/13/2002	Pooran Chand	21663/0166US	4017

7590 03/08/2004

Burton A Amernick  
Connolly Bove Lodge & Hutz  
PO Box 19088  
Washington, DC 20036-0088

EXAMINER

SOLOLA, TAOFIQ A

ART UNIT	PAPER NUMBER
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1626

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Allowability</b> <i>Supplemental notice of Allowability</i>	Application No.	Applicant(s)	
	10/019,217	CHAND ET AL.	
	Examiner	Art Unit	
	Robert Shiao	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/25, 2003.
2. ☒ The allowed claim(s) is/are 5, now is 7.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |

**DETAILED ACTION**

1. The Examiner's Amendment, dated September 5, 2003, has been modified as follows. Claims 1-6 are pending in the application.

***Responses to Election/Restriction***

2. Applicant's election without traverse of Group V claim 5 in Paper No. 0703, dated July 25, 2003, is acknowledged. Claims 1-4 and 6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

**EXAMINER'S AMENDMENT**

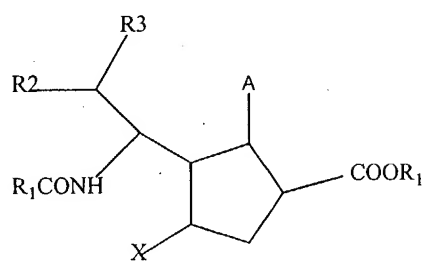
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Burton A. Amernick on February 13, 2004. The application has been amended as follows:

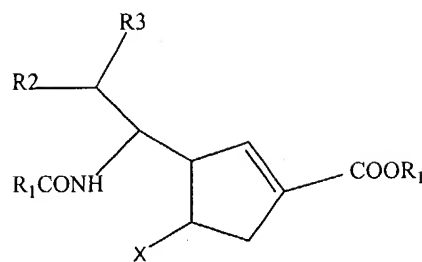
Add a new claim 7, the claim 7 is read as:

A method for preparing a substituted cyclopentane compound represented by formulae Ia or Ib

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1a

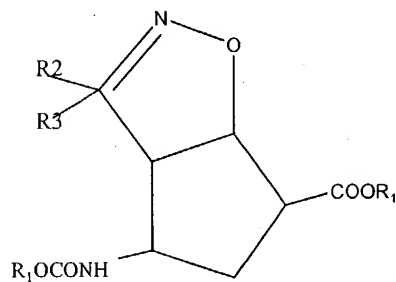


1b

wherein each  $R_1$  individually is alkyl or substituted alkyl, alkenyl or substituted alkenyl of 1-6 carbon atoms, or H; each of  $R_2$  and  $R_3$  individually is alkyl or alkenyl of 1-8 carbon atoms, cycloalkyl or substituted cycloalkyl of 4-8 carbon atoms, aryl or substituted aryl, arylalkyl or substituted arylalkyl, or H provided at least one of  $R_2$  and  $R_3$  is other than H; X is  $NHR_1$ ,  $NHC(=NH)NHR_4$  where  $R_4$  is H, alkyl of 1-6 carbon atoms,  $OR_1$ ,  $COR_1$ ,  $COOR_1$ , CN, or  $NO_2$ ; A is H, F,  $OR_1$ ,  $OCOR_1$ ,  $-OOCNHR_1$ ,  $NHR_1$ , or  $NHCOOR_1$ ; and pharmaceutically acceptable salts thereof;

which comprises:

Step (1) obtaining an isoxazoline compound of formula 10;

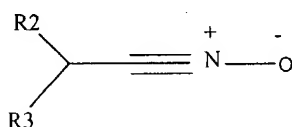


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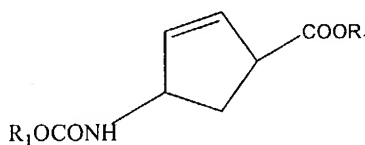
wherein each  $R_1$  individually is alkyl or substituted alkyl, alkenyl or substituted alkenyl of 1-6 carbon atoms, or H; each of  $R_2$  and  $R_3$  individually is alkyl or alkenyl of 1-8 carbon atoms, cycloalkyl or substituted cycloalkyl of 4-8 carbon atoms, aryl or substituted aryl, arylalkyl or substituted arylalkyl, or H provided at least one of  $R_2$  and  $R_3$  is other than H;

which comprises reacting a nitrite oxide of formula 2



2

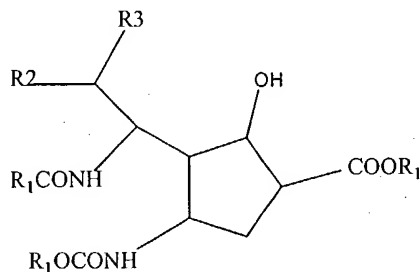
with a cyclopentane derivative having formula 9



9

to produce said isoxazoline compound;

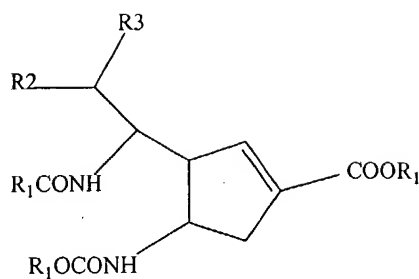
Step (2) converting said isoxazoline to a compound of formula 12



12

and dehydrating said compound of formula 12 to produce a compound of formula 13

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13

or converting the OH groups of said compound of formula 12 to a group selected from F, OR<sub>1</sub>, OCOR<sub>1</sub>, NHR<sub>1</sub> or NHCOOR<sub>1</sub>, except when said group is OR<sub>1</sub>, R<sub>1</sub> is other than H.

**Delete claims 1-6**

***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

Claim 7 is neither anticipated nor rendered obvious over the art of record, and therefore are allowable. This invention relates to a process of making a substituted cyclopentane compounds of formulae Ia and Ib. Several prior arts of record disclose processes of making the compounds. However, none of the prior arts discloses the instantly claimed process. Claim 7 is allowed.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

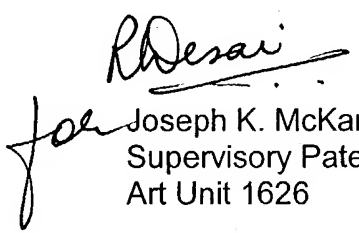
**Conclusions**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Shiao whose telephone number is (571)272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571)272-0699. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert Shiao, Ph.D.  
Patent Examiner  
Art Unit 1626

  
Joseph K. McKane  
Supervisory Patent Examiner  
Art Unit 1626

February 13, 2004